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2009 APR 10 A 10 32

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In re:

Republican National
Lawyers Association

MUR 6166

RESPONSE AND OBJECTIONS TO COMPLAINT

The Republican National Lawyers Association (the "RNLA" or "Respondent") submits this Response and Objection(s) to the Complaint filed against it with the Federal Election Commission (the "Commission") by Brian Melendez, Chair of the Democratic-Farm-Labor Party of Minnesota ("DFL") (collectively, "Complainant"), alleging that Respondent violated the Federal Election Campaign Act of 1971, as amended (the "Act") (the "Complaint").

Respondent affirmatively states that the facts demonstrate there is no reason to believe that Respondent has committed a violation of the Act.

Allegations in the Complaint Are Not Based on Fact

The Complaint concerns the general election on November 4, 2008 in the State of Minnesota (the "election") involving Republican Senator Norm Coleman ("Coleman") and DFL candidate Al Franken ("Franken"). Because the margin of votes separating the two candidates fell below one-half of one percent, the initial election results triggered a mandatory statewide recount and legal proceedings, which have yet to be concluded.

The Complainant has made certain allegations in its Complaint with no documentation or evidence of the veracity of *any* of its claims. *None* of the allegations are true, to-wit:

Allegation: "[RNLA] may not make contributions to Coleman for Senate 08, the Coleman Minnesota Recount Committee, or the Republican Party of Minnesota's federal account. *Yet it appears to be doing just that.*" Complaint ¶ B.2 (emphasis added).

FACT: RNLA has made no contributions to Coleman for Senate 08, the Coleman Minnesota Recount Committee, or the Republican Party of Minnesota's federal account. See Affidavit of Michael Thielen, Executive Director of RNLA, at ¶ 10 [hereinafter *Thielen Aff.*] [attached as Exhibit A].

Allegation: "The solicitation purports to use donations ... to combat Franken's legal efforts, *creating a strong inference* that the RNLA is supporting Coleman's recount efforts with soft money." Complaint ¶ B.2 (emphasis added).

FACT: RNLA has not supported Coleman's recount efforts with soft money. *See Thielen Aff.* ¶ 10.

Allegation: "If the RNLA has made contributions to Coleman's recount effort in excess of \$1,000, it would have been required to register as a political committee." Complaint ¶ B.3 (emphasis added). "If Coleman received contributions from the RNLA, he and the RNLA would have had to report them to the FEC." *Id.* ¶ B.4 (emphasis added).

FACT: RNLA has not made contributions to Coleman's recount committee, thus there is nothing to report to the FEC. *See Thielen Aff.* ¶ 10.

**The Complaint Must Be Dismissed for Failure to State
A Violation of the Act**

There are no facts to support the Complaint. There is not a single fact contained in the Complaint: no documentation, no facts attested to by any witness, and no evidence to substantiate any of the claims in the Complaint. There are only speculations and baseless assertions, each of which is controverted under oath by the Executive Director of the RNLA, Michael Thielen, who has actual knowledge of the facts and has testified to those facts.

The Complaint must, therefore, be dismissed.

The Complaint fails to comply with the provisions of 2 U.S.C. § 437g for proceeding against a Respondent for a potential violation of the Act. The Complaint utterly fails to comply with the requirements governing complaints under 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4:

(c)...The complaint should differentiate between statements based upon personal knowledge and statements based upon information and belief.

(d) The complaint should conform to the following provisions:

(1) It should clearly identify as a respondent each person or entity who is alleged to have committed a violation;

(2) Statements which are not based on personal knowledge should be accompanied by an identification of the source of information which gives rise to the complainants belief in the truth of such statements;

(3) It should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction; and

(4) It should be accompanied by any documentation supporting the facts alleged if such documentation is known of, or available to, the complainant." 11 C.F.R. § 111.4(c) and (d).

Complainant alludes only to an RNLA fundraising solicitation referencing the Minnesota recount. However, nothing in the solicitation or any other document furnished by the

Complainant substantiates a violation of the Act. The Commission's requirement of facts to support a claimed violation of law has not been met by Complainant in even the most cursory fashion. Every potential violation of the Act in the Complaint is preceded by a statement to the effect that "*if this happened it would be illegal....*"

None of the Complainant's hypotheticals occurred, and no violations of the Act were committed by Respondent.

Respondent Has Not Violated the Act

One of the four primary purposes of the RNLA is:

Advancing Open, Fair and Honest Elections. The RNLA seeks to promote open, fair and honest elections at all levels of American society in a non-discriminatory manner and to provide access to the polls to all qualified and eligible voters. It provides election law training from preeminent election law professionals. It responds to requests for assistance from the Republican Party and its candidates by communicating the requests to its members."

RNLA, *About the Republican National Lawyers Association (RNLA)*, available at www.rnla.org/AboutRNLA.asp [attached as Exhibit B]; see also *Thielen Aff.* ¶ 2-5. In support of that mission, RNLA recruits attorneys for membership in the organization who are willing to volunteer their time to assist in legal support activities for Republican candidates for state and federal office when such support is needed *on or after* the date of a general election. None of RNLA volunteer activities are "in connection with an election in which a federal candidate appears on the ballot" as that term is defined by 11 C.F.R. §100.24(a)(1)(i), because the activities are not for the purpose of influencing the outcome of an election; rather, they are legal support activities *on and after* the general election day. See, e.g., *Thielen Aff.* ¶ 2-6.

RNLA annually conducts a national training seminar which teaches attorneys from all disciplines of the law about legal issues related to elections, recounts, vote fraud, election administration and other election-related areas of law. See RNLA, *RNLA Event Detail*, available at www.rnla.org/Events/EventsDetail.asp?EventID=599 [attached as Exhibit C]; see also *Thielen Aff.* ¶ 4.

Further, RNLA has published white papers on various topics related to election integrity and voter fraud generally, and the Coleman-Franken recount specifically. See Leslie Rutlege, *Franken vs. Coleman, Al Franken's Attempts to Be Seated as U.S. Senator for Minnesota – No Laughing Matter* (Feb. 5, 2009) [attached as Exhibit D]; see also RNLA, *Minnesota Senate Recount Update*, available at www.rnla.org/White-Papers.asp [attached as Exhibit E]; *Thielen Aff.* ¶ 5.

RNLA helped recruit its members to volunteer their time in the days and weeks following the November general election in Minnesota. See Email from Michael Thielen to rnla-current-members@lists.irs.com (Nov. 11, 2008, 8:56am) [attached as Exhibit F]; see also *Thielen Aff.* ¶ 6-7. Such volunteer recruitment and participation by RNLA members in the canvassing and recount efforts, however, do not constitute a contribution within the meaning of 2 U.S.C.

§ 431(8)(B)(i) and 11 C.F.R. § 100.74. RNLA did not pay or reimburse its members for their volunteer activities. *Id.* ¶ 9.

RNLA has been *the* national voice since November 4, 2008 keeping Republican loyalists and RNLA members across the country updated on the status of the Minnesota recount and ensuing litigation, and shining a national spotlight on efforts by the DFL and Franken to thwart the will of the majority of voters in Minnesota and change the outcome of the November election in Franken's favor. *Id.* ¶ 6; *see also* RNLA, *Minnesota Senate Recount Update*, available at www.rnla.org/MN-News-Archive.asp [attached as Exhibit G].

Additionally, RNLA organized a coalition of prominent thinkers on ensuring fairness and justice in the electoral process. On February 7, 2009, the group co-signed a letter to Senate Majority Leader Harry Reid (D-NV) and Senate Minority Leader Mitch McConnell (R-KY), encouraging the Senate to restrain from seating Franken before the judicial process in Minnesota has reached a final determination for certifying a winner – a position the Senate has adopted to this day, despite earlier reports in the media to the contrary. *See* Letter to Senators Harry Reid and Mitch McConnell (Feb. 7, 2009) [attached as Exhibit H & Exhibit I].

Advocacy of an “open, fair and honest election” in Minnesota is in keeping with a primary purpose of RNLA and does not constitute activity subject to regulation by the Commission, because RNLA has made no contributions or expenditures as defined by the Act. *See* 2 U.S.C. §§ 431(8)(A), (9)(A).

Conclusion

Because there are no facts constituting a violation of the Act, there is no reason to believe that a violation of the Act has occurred and the Complaint must, accordingly, be dismissed.

[Signature page follows]

Respectfully Submitted,

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Republican National Lawyers Association

Submitted via hand delivery this 10th day of April, 2009

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[Mission Statement](#)
[Member Benefits](#)
[Members and former members serving in government](#)
[Invitation to Join](#)
[Information for Law Students](#)
[Information for Republican Leaders](#)



Missions of the Republican National Lawyers Association

As the principal national organization of Republican lawyers, the Association has a targeted set of missions - all complementary, and none of which duplicate missions accomplished elsewhere. Each member of the Association and every local chapter must ascribe to the accomplishment of these missions, which include:

Advancing Professionalism. The RNLA is comprised of lawyers and law students who advance the professionalism of lawyers generally. It gathers Republican lawyers for legal education related to law in political, government, legislative and private firm settings. It provides a nationwide network of fellow professionals by practice area who share expertise.

Advancing Open, Fair and Honest Elections. The RNLA seeks to promote open, fair and honest elections at all levels of American society in a non-discriminatory manner and to provide access to the polls to all qualified and eligible voters. It provides election law training from preeminent election law professionals. It responds to requests for assistance from the Republican Party and its candidates by communicating the requests to its members.

Advancing Career Opportunity. The RNLA networks lawyers committed to lives of significant career accomplishment. Its national events allow interaction with lawyers of professional, political and governmental acclaim. It provides an advanced web service allowing members to share professional qualifications with other members and persons seeking professional assistance. It organizes local chapters within which members can seek career advancement assistance.

Advancing Republican Ideals. The RNLA further builds the Republican Party goals and ideals through a nationwide network of supportive lawyers who understand and directly support Republican policy, agendas and candidates.

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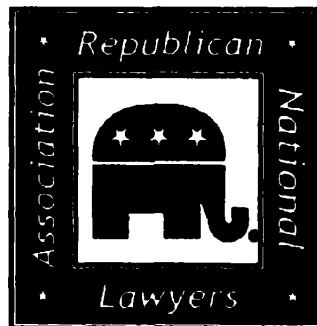
2009 National Summer Election Law Seminar and School**8/14/2009 TBA***All Members*

Ronald Reagan Presidential Library and Museum
40 Presidential Drive
Simi Valley, CA 93065

The 2009 National Summer Election Law Seminar will be held Aug. 14 - Aug. 15 at the Ronald Reagan Presidential Library and Museum in Simi Valley, California. The annual event is a professionally-taught CLE Course on basic and advanced election law training. The coursework spans one and one-half days and covers a variety of issues including ballot access, election management, election challenges and the organization and management of poll watchers. The utmost care is taken to provide instruction that stresses the protection of the constitutional right to vote that avoids any activity which would limit or discourage the right of anyone to cast a legal vote, including racial minorities. The event is closed to the public, and attendance of lawyers is restricted to RNLA Members and select preapproved guests.

Please look for more information regarding the Election School soon!

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Franken vs. Coleman:

Al Franken's Attempts to be Seated as U.S. Senator for Minnesota —

No Laughing Matter

A White Paper Prepared by Leslie Rutledge*

For the Republican National Lawyers Association

February 5, 2009

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"[T]he true principle of a republic is that the people should choose whom they please to govern them," according to Alexander Hamilton. 2 Debates on the Federal Constitution 257 (J. Elliot ed. 1876) (hereinafter cited as Elliot's Debates).

BACKGROUND

The election results of Minnesota's U.S. Senate race remain undetermined and are now held in the hands of the Minnesota court system—where they should be. Following the statewide administrative recount of the election results from November 4, 2008, the Minnesota State Canvassing Board declared, despite numerous irregularities that give rise to an argument that the determination of the results violates the Equal Protection Clause, that Democrat Al Franken had received the highest number of votes in the election (1,212,431 for Franken and 1,212, 206 for Coleman). On January 6, 2009, Republican incumbent Senator Norm Coleman filed an election contest challenging whether the recount properly included legally cast absentee ballots, whether double-counting of duplicate ballots along with the original ballots occurred, and whether alleged missing ballots were properly accounted for during the recount process. In bringing this suit, Coleman is asking the Contest Court to determine which candidate received the highest number of legally cast ballots.

Al Franken's response has been to try to short-circuit the contest and ignore the question of whether the recount results reflect the will of the voters. First, Franken petitioned Minnesota Governor Tim Pawlenty and Secretary of State Mark Ritchie to issue a certification to the President of the Senate of the United States of the election results determined by the Canvassing Board. This was in such clear violation of Minnesota law that even his fellow Democrat, Secretary of State Mark Ritchie, refused to sign such a certificate. Then, when that failed, Franken went to the Minnesota Supreme Court to petition the court to order the state officials to

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issue the election certification. *Franken v. Coleman*, Minn. S.Ct. No. A09-64 (2009). In this case, he is arguing that Minnesota law requires, and also that federal law pre-empts state law and requires, issuance of the certification. Not only is the law in Minnesota clear—the Governor and Secretary of State of Minnesota should not issue an election certificate for the office of United States Senator until the election results are clear and no longer in dispute as determined by the Contest Court—but the federal arguments are specious.

Moreover, whatever the legal authority for election certification, as a practical matter, where there is doubt as to the actual winner of an election, the process to finally determine the winner should proceed until there is no longer reasonable doubt, which is certainly not the case in the Coleman-Franken Senate race. Among other issues, there are approximately 12,000 rejected absentee ballots, approximately 4,800 of which the Contest Court decided on February 3, 2009, should be reviewed. And even two Democrat elections officials conceded under oath in the first week of the contest that there likely are a significant number of valid ballots that were not counted. As Alexander Hamilton said during the debates on the federal constitution, "This great source of free government, popular election, should be perfectly pure." (Elliot's Debates). It is important that these significant potential errors, along with others that could overturn the recount results, should be settled to ensure that voters are convinced the elections were "pure." And if Franken, who has been on the record all throughout November and most of December to "count every vote," was sincere in this sentiment, then he would have been side-by-side with Coleman in asking the Contest Court to ensure that all these rejected absentee ballots were reviewed under a uniform standard. Instead, Franken's lawyers have resisted this effort of Coleman's, and Franken is in a different court, akin to a three-ring circus, demanding that the

election be certified and that he be seated, with complete disregard for statutory law stating otherwise.

The Minnesota Supreme Court should allow the Contest Court to continue, without premature or provisional certification of Al Franken, to allow it adequate time to determine if the Canvassing Board was in substantial compliance with the Equal Protection Clause in the treatment of the ballots in question, and correctly determined the winner of the U.S. Senate race. Only after a determination of the contest does the law provide for the Governor and Secretary of State to issue a certification.

ISSUES AND ANALYSIS

The Citizens of Minnesota Are Better Represented By an Open Seat in the U.S. Senate Than One Filled Provisionally, in Case the Seating is in Error

Franken is so anxious to get to the U.S. Senate, whether or not he is the winner, that he even suggests that he could be seated provisionally, subject to the decision of the court in the election contest. But if Franken is seated in the U.S. Senate, and later determined not to be eligible to be seated if he was not the actually elected candidate, then for whatever period he was "provisionally" seated his actions would be in question. If Franken is not seated, provisionally or otherwise, in advance of a final determination and no Senate vote is close, the interests of the citizens of Minnesota are adequately represented by the vacant seat. If Franken is seated, however, and casts the vote that makes the difference in the U.S. Senate on something contentious, then the vote, and Senate action, could later be subject to a legal challenge. In either scenario, Minnesota and the country are better off with a vacant seat until the situation is finally resolved.

Franken Selectively Ignores Clear Statutory Provisions In Order To Make His Plea to Be Seated In the U.S. Senate before the End of the Contest of the Recount Results

In his petition, Franken has asked the court to turn a blind eye to one subdivision of the statute that he relies upon to request provisional certification, which states in part: "In case of a contest, an election certificate shall not be issued until a court of proper jurisdiction has finally determined the contest." Minn. Stat. § 204C.40 subd. 2 (2008). The language of subdivision 2 is clear and unambiguous, and thus a need to construct its meaning is unnecessary. Courts have long held that when statutory language is precise and unambiguous, the courts are not at liberty to construe it. *Knopp v. Gutterman*, 102 N.W.2d 689 (1960).

In presenting his case, Franken argues that subdivision 1, on which he relies, is "more specific" with regard to certifications being issued in United States Senate races, and, therefore, it is the controlling subdivision of section 204C.40. Thus, Franken boldly asks that the court completely ignore the clear language of subdivision 2 of that statutory provision. While subdivision 1 addresses the preparation and method of delivery for a certificate of election, it does not speak to the time in which the certification must be made. Subdivision 2, entitled "Time of Issuance; certain offices," specifically addresses not only the amount of time for which a certificate shall be issued, but it clearly states that a certification shall not be issued in the case of a contest until a court of proper jurisdiction has determined the contest. Thus, it is clear a certificate shall not be issued until after the Contest Court has decided this election contest.

Moreover, the Minnesota courts have consistently held that a statute should be interpreted to give effect to all of its provisions and that "no word, phrase, or sentence should be deemed superfluous, void, or insignificant." *Amaral v. Saint Cloud Hosp.*, 598 N.W.2d 379, 384 (Minn. 1999). Furthermore, the courts have long held that various provisions of a statute should be

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interpreted in light of each other. *Minn. Equal Access Network Servs. v. Burlington N. & Santa Fe R.R.*, 646 N.W.2d 911 (Minn. Ct. App. 2002).

Franken's argument that Subdivision 1 is controlling fails because there is no means to reconcile the two subdivisions if his interpretation is given credence. If a certification is issued to Franken prior to the court's ruling on the election contest, as Franken asserts should occur under Subdivision 1, both Governor Pawlenty and Secretary of State Ritchie would be in violation of Subdivision 2. Compliance with Subdivision 2, however, does not cause either official to violate Subdivision 1. A reading of the statute in its entirety makes it clear that once an election contest has been filed, as is the case here, the issuance of a certification should be delayed until the case has been determined by the court.

Franken's basic request to the court is that it should require that Governor Pawlenty and Secretary of State Ritchie certify him provisionally, so he can be seated in the United States Senate. He asks for this, while acknowledging that at some later point this may be found to be in error. In recognition of this point, his petition notes that the court would have the authority to unseat him at a later date, should the Contest Court determine different election results than the Canvassing Board, by relying on Minnesota Statute Section 204C.40 subdivision 1, which states in part that "[I]n the case of a contest, the court may invalidate and revoke" a previously issued certificate of election results if the court finds that those results are different from the ones determined by the Canvassing Board. In other words, Franken is asking the Governor and Secretary of State to certify the results so that he may be seated in the U.S. Senate even though he may be unseated shortly thereafter if the Contest Court determines that the results of the Canvassing Board were in error and that Coleman received a majority of the votes cast. Thus,

Franken needs to take a seat, although not in the U.S. Senate, and allow the statutory process as specified to occur, so that each vote legally cast by a valid voter is fairly and accurately counted.

Franken Absurdly Argues that Delaying Certification Encroaches on the U.S. Senate Authority as Set Forth in Article 1, Section 5 of the U.S. Constitution

Franken's argument that delaying the certification of the Canvassing Board's election results encroaches on the U.S. Senate's authority as set forth in Article 1, Section 5 of the United States Constitution is absurd at best. U.S. Constitution Art I, § 5 states in part as follows: "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members...."

In implementing Article 1, Section 5, in part, the Congress has adopted federal statutes 2 U.S.C.S. §§1a & 1b, which state as follows:

§ 1a. Election to be certified by governor

It shall be the duty of the executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

§ 1b. Countersignature of certificate of election

The certificate mentioned in the preceding section [2 U.S.C.S. §§1a] shall be countersigned by the secretary of state of the state.

To ensure that the statutes worked effectively, Rule II of the U.S. Senate Rules provides the guidelines for the presentation of credentials and question of privilege for the seating of a senator.¹ The reason why there is a federal statute and a Senate Rule is because the United

¹ Standing Rules of the Senate, Rule II, Presentation Of Credentials And Questions Of Privilege
1. The presentation of the credentials of Senators elect or of Senators designate and other questions of privilege shall always be in order, except during the reading and correction of the

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States Senate, in its wisdom, does not desire to trudge into each state to count every ballot to determine the election results. Rather, the Senate has adopted a statute and rule so that it may instead rely upon the appropriate state officials, i.e., the Governor and Secretary of State, to provide the Senate with the certified election returns.

Franken's assertion that the U.S. Senate's authority has been encroached upon by delaying the certification is nothing more than a politically motivated attempt to pressure Members of the United States Senate to grant him, not Minnesota, a seat at the table. Such drastic measures are not necessary, however. The Senate's authority has been protected by its own adoption of 2 U.S.C.S. §1a & §1b coupled with Senate Rule II, which outlines the procedure for the presentation of the credentials, and the Senate's longstanding tradition of requiring certification of election results by appropriate state officials prior to it determining whether to seat a newly elected Member. As a matter of fact, Assistant Majority Leader and Democrat Senator Dick Durbin earlier this year regarding the certification of Senator Burris stated on the subject of election certification: "Of course, he has to have a governor and secretary of state certify his credentials. . . . This has been a rule in the United States Senate since 1884. . .

Journal, while a question of order or a motion to adjourn is pending, or while the Senate is voting or ascertaining the presence of a quorum; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

2. The Secretary shall keep a record of the certificates of election and certificates of appointment of Senators by entering in a wellbound book kept for that purpose the date of the election or appointment, the name of the person elected or appointed, the date of the certificate, the name of the governor and the secretary of state signing and countersigning the same, and the State from which such Senator is elected or appointed.

3. The Secretary of the Senate shall send copies of the following recommended forms to the governor and secretary of state of each State wherein an election is about to take place or an appointment is to be made so that they may use such forms if they see fit.

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.We have never, ever waived the rule for any election or appointment. . . .So it's an important rule, and one not easily challenged or waived."

Therefore, the Senate looks to the Governor and Secretary of State to provide it with the certification. As set forth repeatedly, Minnesota's Governor and Secretary of State have followed the letter of the law by not certifying the election results until the Contest Court has determined the election contest. The case before the Minnesota Supreme Court is governed by Minnesota Statute §204C.40 subdivision 2, which clearly states that when there is an election contest, the certificate shall not be issued until a court of proper jurisdiction has made a determination.

CONCLUSION

There is no reason for the Minnesota Supreme Court to force Governor Pawlenty and Secretary of State Ritchie to issue an election certification at this point. Governor Pawlenty and Secretary of State Ritchie were correct in proceeding as the law dictates by not certifying the results of the Canvassing Board once the Notice of Contest had been filed by Coleman. Both of these elected officials recognized that this contest is an integral part of accurately determining who the people of Minnesota have chosen to represent them in the United States Senate. Issuing a certification and allowing Franken to be seated—even provisionally—would not usurp the authority of the U.S. Senate to determine its members, as Franken suggests, but would instead usurp the will of the citizens of Minnesota to follow the statutory procedure outlined in Minn. Stat. § 204C.40 subd. 2, and would potentially undermine the actual will of the citizens of Minnesota, as will be eventually decided by the Contest Court. The representation of the citizens

of Minnesota is too important for the potential of musical chairs being played with one of their U.S. Senate seats.

**** Leslie Rutledge is a member of the Republican National Lawyers Association and the former Deputy Counsel to the National Republican Congressional Committee.***

The Republican National Lawyers Association (RNLA) over 3500 members are dedicated to Advancing Open, Fair and Honest Elections. The RNLA seeks to promote open, fair and honest elections at all levels of American society in a non-discriminatory manner and to provide access to the polls to all qualified and eligible voters. It provides election law training from preeminent election law professionals. More information about the RNLA is available at www.rnla.org or via email at info@republicanlawyer.net .

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RNLA's Press Page.

Letters, Press Releases, and White Papers

White Papers

The RNLA has issued a new White Paper, this time detailing activities of ACORN and its effect on Election Integrity. This paper also deals with how concerned citizens can help combat ACORN's vote fraud.

The RNLA is very concerned about the systematic, both accidentally and intentionally, disenfranchisement of our overseas military. Ironically, while many liberals and Democrats claim to be concerned and often cite nebulous allegations of disenfranchisement when confronted by the actually hard proof of disenfranchisement of our overseas military voters they are silent.

RNLA first White Paper of 2009 dealt with Al Franken's attempts to short circuit the Minnesota Election Process.

Press Releases

**&
BREAKING NEWS ON ACORN**

. RNLA First Vice President Heather Heidelbaugh testified before the U.S. House Committee on the Judiciary's Subcommittee on the Constitution, Civil Rights and Civil Liberties regarding possible ACORN violations committed during the November 2008 Election. Click [here](#) for a copy of her testimony.

Heidelbaugh's testimony spurred controversy and more importantly may have spurred action on ACORN

- RNLA Vice President Appears on "The O'Reilly Factor". On March 31st RNLA First Vice President Heather Heidelbaugh appeared on the O'Reilly Factor to discuss her testimony before a US House subcommittee. See below to see O'Reilly's reaction to allegations about ACORN and what prominent Democrat is now calling for hearings into ACORN.



• Click [here](#) to see the RNLA's latest web video concerning ACORN and the hearing that started it all.

• On April 1 the Washington Times reported that House Judiciary Chairman Rep. John Conyers (D-MI) is open to holding hearings on the pre electoral actions of ACORN and possible connections to the Obama campaign. In looking to hold hearings into the actions of ACORN Chairman Conyers is heeding the testimony of RNLA members who testified before a House subcommittee hearing that further exposed the actions of ACORN. The Times article also notes that the testimony of RNLA First Vice President Heather Heidelbaugh was pivotal in the change of heart on ACORN's actions in the 2008 election. Click [here](#) to read the entire Washington Times article.

• As a result of RNLA member Heidelbaugh's testimony, "Conyers suggests probe of ACORN" "In an startling partisan shift, House Judiciary Committee Chairman John Conyers Jr. on Thursday proposed holding hearings on claims the liberal activist group ACORN engaged in a pattern of crimes ranging from voter fraud to a mob-style "protection" racket. Mr. Conyers called the accusations 'a pretty serious matter . . . I think in all fairness we ought to really examine it.' Mr. Conyers, who is known for his drive to continue investigating the Bush administration, previously defended ACORN. In October, he condemned an FBI voter fraud investigation targeting the group. . . . But Mr. Conyers' shift was met by resistance from fellow Democrats on the committee, and it was unclear whether a hearing would be scheduled." Click [here](#) and [here](#) for more.

• "A lawyer involved with a lawsuit against ACORN, or the Association of Community Organizations for Reform Now, has told WND that the organization is aware of the problems that are generated for elections officials when thousands or even millions of registrations are dumped into the system just before a deadline." The interview can be heard by linking from the webstory [here](#)

• The American Spectator reports "in recent months demands for ACORN to be investigated under the Racketeer Influenced and Corrupt Organizations Act (RICO) for repeated incidents of electoral fraud have been growing. But voting-related fraud is just the tip of the iceberg."

• During the hearing, Democrat Congressman and House Judiciary Committee Chairman John Conyers (D-MI) repeatedly indicated that he thought it would be a good idea to have a hearing on ACORN "so we can get to the bottom of this. . . . [W]e've never had one person representing ACORN before the committee . . . I think in all fairness, we ought to really examine it." And despite many liberals claims that voter fraud does not occur, Democrat Congressman Mel Watts (D-NC) had this to say during the hearing: "I would even stipulate if I were in court that voter fraud does in fact take place. I might even stipulate that ACORN or some of its employees have participated in voter fraud." A video of the entire hearing will be available soon.

• In response to the hearing and Congressman Conyers' call for a hearing, former House Judiciary Committee Chairman and current Ranking Member on the Subcommittee on the Constitution, Civil Rights, and Civil Liberties Congressman Sensenbrenner (R-WI) issued a press release agreeing that the House Judiciary Committee should have a hearing on ACORN. "The allegations brought forth against the practices of . . . ACORN . . . deserve to be examined closely. I am in complete agreement with Judiciary Chairman Conyers repeated requests that we should hold an oversight hearing dedicated to examining ACORN's activities."

Letters

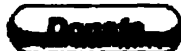
On behalf of its over 3500 Lawyers and Law Student Members RNLA's President and Chair Congratulate the Hon. Michael Steele on being elected Chairman of the Republican National Committee.

A coalition of concerned groups signed onto the following letter demand that the Senate not seat anyone as Senator from Minnesota until the Minnesota election process is complete. The letter and related RNLA efforts were made necessary because of Al Franken and Senator Majority Leader Harry Reid's efforts to seat Franken before the process is complete and a winner is known. Senator Reid subsequent backing down from his earlier position and deciding to wait until Minnesota certifies a winner was a victory not just for RNLA but for all those who are concerned about politics trumping the rule of law.

For More information go to:

Minnesota Election Contest Archive Minnesota Senate Election Current

Help the RNLA fight for a fair election and against vote fraud! Send your dollars to the RNLA as we fight back against those who would tear down our democracy through voter fraud.



Or mail a check to:

**RNLA
PO Box 18866
Washington, DC 20036**

**Contributions to the RNLA are not deductible as charitable
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Recount Professional Volunteer Confirmation Form

Job Description

Professional volunteers (attorneys and non-attorneys) will be deployed across Minnesota for approximately two weeks. Each professional volunteer will be responsible for the counting location within their designated county (larger counties may have multiple counting locations). Professional volunteers will oversee legal volunteers and table counter volunteers in their location. All professional volunteer positions will be in the field – headquarters staff has been assigned.

We are working on securing assets such as cell phones and a direct hotline number for both the political and legal teams. If you have a personal laptop computer and/or wireless card, we ask that you bring them with you to Minnesota. Professional volunteers will receive training at recount headquarters on the evening of Monday, November 17 before departing for their deployed location.

Availability and Time Commitment

Deployment timeframe options are listed below. Please check which timeframe you would be available and note any conflicts. Individuals should expect to work from 7:30 am to 5:30 pm daily Monday through Friday.

_____ Monday, November 17 – Thursday, November 27

***departing flights will be booked for late Wednesday evening or early Thursday. We are still awaiting a decision on whether or not counting will occur on Friday, November 28. If you are able to remain through Saturday, November 29 please make note.*

_____ Saturday, November 29 – Saturday, December 13

***if the recount is completed prior to Friday, December 12 volunteers will depart earlier.*

Expenses

We are working to develop a plan for transportation, lodging and per diem (\$50 per day). All travel logistics will be coordinated for you.

Contact Information

First Name: _____

Last Name: _____

Address 1: _____

Address 2: _____

City: _____

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State: _____

Zip: _____

County: _____

Cell Phone: _____

Work Phone: _____

Home Phone: _____

E-mail Address: _____

Referring Organization: _____

Attorney (yes/no): _____ Active (yes/no): _____

Bar State, ID and Expiration: _____

Drivers License Name: _____

Drivers License State and Number: _____

Date of Birth: _____

Home Departure Airport: _____

*****all professional volunteers will fly into/out of Minneapolis Saint Paul International Airport (MSP)***

Laptop Available (yes/no): _____ Wireless Card Available (yes/no): _____

Emergency Contact and Relationship: _____

Emergency Contact Phone Number: _____

Notes: _____

****PLEASE FAX COMPLETED FORM TO 651-305-4221 by
WEDNESDAY, NOVEMBER 12****

Paid for by Coleman for Senate

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29044251108

This page has been temporarily dedicated as the news archive for the Minnesota Senate in rough date order, the oldest first.

The Minnesota Senate Election Contest and Related Matters

1. The canvas – a process to resubmit the vote totals from election night from local precinct found errors favoring Franken so incredibly statistically improbable that statisticians are questioning these counties.

2. After consulting with the Democrat Attorney General, at first Ritchie rejected Franken's Absentee Ballots, relying on the Attorney General's opinion that such ballots are not a suit for the courts to decide in an Election Contest. The Attorney General's office opinion is here: <http://www.politicalinminnesota.com/files/recount/ag-letter-absentee.pdf>.

3. During the recount an Election Official explained that an error resulted in Franken losing double counted some votes on election night. But after pressure from Democrats led the Mark Ritchie-led Canvassing Board decided that the recount would not count for that instead use the more favorable to Franken Election Day total.

4. After saying the recount doesn't count for an error uncovered in Coleman's favor, Ritchie board to recommend that the counties begin counting "wrongfully" rejected absentee ballots. The Board agreed although it admitted it had no authority to compel the counties. Some counties have stated they will not count the ballots, and to add to the confusion gives conflicting and wrong advice on how to count rejected ballots. As the non-partisan I concludes in its Amicus Brief filed on December 17: *Here, there is no legal basis for the E there are no criteria to guide the county election judges. That guarantees that absentee be treated differently in this ad hoc review, a clear violation of equal protection.* [For the complete brief: <http://lawforademocracyfund.org/ABColemanvRitchie.pdf>.

5. "Meanwhile, a Ramsey County precinct ended up with 177 more ballots than there were voters. In that case, the board decided to go with the extra ballots, rather than the Election Day total. This gave Mr. Franken a 10-point lead. This means he's benefited both ways from the board's inconsistency." <http://online.wsj.com/article/SB12311967842562809.html?printMode>

6. Most experts agreed that the majority of the challenged recount votes are frivolous as they give Coleman a temporary lead by challenging more ballots than Coleman. As a result Coleman challenged more ballots to prevent this from happening, the Canvassing Board again took a surprising and dubious turn in considering challenged ballots. Thus, there was heated discussion and the board seemingly sums up the attitude of the Board: "We're not going to be entirely consistent in how the ballot strikes us." [Quote Originally in Star Tribune at http://www.startribune.com/politics/national/senate/36225984.html?c=KArks8c7PaP3E77K_3c:D3eDhUoeEsD_ec7PaP3UleayfUUncleec807EyU but pulls out what has become a regular development for the Tribune to pull quotes negative toward Franken at http://www.usatoday.com/printedition/news/20081217/recount17_star.htm. Also the editorialized: "Both campaigns have also suggested that Mr. Ritchie's office made mistakes had been challenged by either of the campaigns. And the Canvassing Board appears to have set standards in how it decided some of these challenged votes – in ways that, again on net, favored Franken. On rejected Absentee Ballots. Not surprisingly, Franken is refusing to meaningfully participate in the process."

them. "Coleman spokesman Mark Drake called the Franken campaign proposal not credible serious. "We agreed that there would be a certain process, and the Franken campaign is that process," Drake said Sunday." <http://online.wsj.com/article/SB123111967642652909>

7. Evidence is overwhelming that the canvassing board's outrageous "not going to be counted" is favoring Franken and disenfranchising Coleman voters. Professor John Lott at <http://johnlott.tripod.com/op-eds/FoxNewsMNCavassBoard122208.html> and also the Co example of it on their blog at: <http://www.colemanforsenate.com/blog-post/496/inconsist>

8. Next, the double votes that were counted for Franken. "The issue before the state Supr damaged ballots that couldn't be fed through optical scanners. Under Minnesota law, elec ballots, mark the copies as duplicates and count them, and keep the originals in an envel both originals and duplicates made it into the recount, and his attorneys went to court wh ruled against him on those ballots." http://www.twincities.com/politics/cl_11268040. And e "But during the Senate recount, originals were sometimes found without matching duplic http://www.startribune.com/templates/Print_This_Story?aki=36692169

9. At least one member of the Canvassing Board was convinced that there was double or stated: "I do think it's a real issue, and I think it's a very good likelihood that there is doubl in Star Tribune pulled from later editions, now at http://www.twincities.com/politics/cl_112 Board declined to address this issue.

10. Even the leading Democrat Election Official in the Democrat stronghold of Minneapolis Elections for Minneapolis, Cindy Reichert, seems to concur with Coleman's assessment. issue here," Reichert said. Reichert said it appears election judges working late into the n made mistakes. Here's how it's supposed to work: Original ballots that can't be fed throu duplicated by an election judge. The original is set aside, and the duplicate is counted on recount, the Secretary of State's office requested the original ballot - not the duplicate - fo locate duplicates and match them to their originals. But in some cases, there were more c Reichert did not now exactly how many ballots were affected. "I know it happened in seve said." [http://www.twincities.com/cl_11263859]

11. Yet the Minnesota Supreme Court took the canvassing Board's position: "The justices double-counted ballots is better resolved in a court hearing where evidence can be prese canvassing boards. The order allowed those disputed ballots to remain in the vote totals, http://www.startribune.com/politics/national/senate/36692169.html?cl=KArtaLckD8EQDUaaEyyvP4O:DW3ckUID3aPc_Yyc:aUac8HeaDlaMDCInchO7DU

12. Thus, the Minnesota Supreme Court rejected efforts to resolve double voting by sayin Election Contest, again being entirely inconsistent or maybe consistent in backing the Ca and pro-Franken approach. As to Rejected Absentee Ballots which under the Attorney Ge State Ritchie's original interpretation of law were only to be the subject for an Election Co had to be addressed during the recount phase. Now with double counting, it is only to be in other words regardless of the law, if the issue is perceived to favor Franken, then the C relief pre-certification during the recount phase. If the issue is perceived to favor Coleman defers the issue to the Election Contest phase. The Minnesota Supreme Court, with cave of the Canvassing Board.

13. On rejected Absentee Ballots. Not surprisingly, Franken is refusing to meaningfully pe review them. "Coleman spokesman Mark Drake called the Franken campaign proposal n and not serious. "We agreed that there would be a certain process, and the Franken cam following that process," Drake said Sunday." <http://www.startribune.com/politics/national/>

14. "The U.S. Senate recount spiraled deeper into confusion and bickering Monday, with Coleman and DFLer Al Franken at odds over how many rejected absentee ballots should Supreme Court deadline to do so looming just four days away." http://www.startribune.com/templates/Print_This_Story?aki=36633124

15. Part of the problem may be the efforts of the Secretary of State's office to disenfranch evidenced by the following email from Deputy Secretary of State Jim Gelbmann on Sund am: "Another legitimate reason for rejecting a UOCAVA absentee ballot is that the voter c (the Federal Post Card Application) -- this is a possibility in cases in which the voter only : Absentee Ballot. Please allocate appropriately rejected UOCAVA ballots that were reject Category 1."

• UOCAVA is the Uniformed and Overseas Citizens Absentee Voting Act and you would others in the Secretary of State's office would be bending over backwards to count the votes of Armed Services serving in places like Iraq. However, such voters are perceived to lean R of State's office is making every effort, including this extraordinary email, to disenfranchise.

• When a military voter submits the Federal Write-In Absentee Ballot (FWAB), part of the Declaration/Affirmation" (copy of FWAB, including the Declaration, is available via link below identical to the Federal Post Card Application (FPCA) (available via second link)—there is the Declaration is a FPCA although it has a difference title. This difference should not matter registration and absentee ballot application do not require a particular form, they merely require certain information and statements under oath. See 203B.17, Subd. 2. Both the Declaration requirements. Also, even if the military voter is not registered, Minnesota allows an absentee request an absentee ballot application at the same time...so, even if the military voter is not submission of the FWAB with the Declaration should: (1) register the military voter; (2) see absentee ballot; and (3) count as a ballot. See <http://www.fvap.gov/resources/media/fwab>; <http://www.fvap.gov/resources/media/fpca.pdf>.

16. A spokesman for Democrat Senate Majority Leader Harry Reid says it "appears" that Democrat Amy Klobuchar of Minnesota says that Franken should be seated. Minnesota's situation: "We see this as a three-act drama. If, by this time next week, Al or Norm is declared recount - that is, at the end of Act II but before Act III - there will be a rush to put that man could imagine a scenario where the Democratically controlled U.S. Senate would be happy maintains his margin. That would be a slap in the face to Minnesota fairness. State law is in contest. Seating either man while that is pending will be seen as a partisan power play that of the law. A court contest need not be drawn out but it is the candidate's right. Norm and it's over." Editorial, Pioneer Press, http://www.twincities.com/opinion/cl_11338324.

17. Incoming National Republican Senatorial Committee Chair Texas Senator John Cornyn is falsely declaring victory based on an artificial lead created on the back of the double counting campaign's actions in the last several days on the issues of rejected absentee ballots and disorder in the Minnesota recount. Those actions, coupled with the recent comments Minnesota, who suggests seating someone even if there is an election contest, are unacceptable not accept a recount in which some votes are counted twice, and I expect the Senate will candidate who has not duly won an election."

http://www.politico.com/blogs/scorecard/1208/Cornyn_Franken_camp_promoting_chaos.

18. More on "wrongly" rejected Absentee Ballots. "But both the Franken and Coleman camps additional ballots be included. In large part, the inclusion of those has been rejected. Fritz recount attorney, said the rules of the recount, which the campaign had agreed to, aren't campaign expected. He said that different standards are being applied in different counties the campaign asked the court to demand that local officials send all the mistakenly rejected by local officials, the Coleman campaign or the Franken campaign to state offices for sort http://www.twincities.com/politics/cl_11346296.

19. From a letter from Coleman Attorney Tony Trimble: "All of us have spent countless hours 12,000 absentee ballot envelopes. By Christmas Eve an agreement (the "Protocol") was reached; the Franken and Coleman campaigns to submit two (2) cooperatively-prepared lists to the county/city election officials: (1) one list specifying absentee ballot envelopes to be opened; another list specifying absentee ballot envelopes remaining in dispute. (Section 11 and 8 required lists have not resulted.

"Instead, a subtle form of political guerilla warfare has arisen. Confusing and inconsistent confounded our county/city election officials. Differing standards of acceptance and rejection multiply today and Friday unless changed now. Inconsistent ballot review and counting is Minnesota and our voters. The blatant and baseless wholesale rejection of ballots for poll seeing now, and it is not what we are supposed to be doing under the Supreme Court's order. "Presently, the fates of more than 2,000 votes are at risk and 'in play'. We should all stop play by the rules we all adopted in order to achieve a valid election result. In order to achieve demanded by the Supreme Court and deserved by Minnesotans, we propose that: the envelopes materials for any and all absentee ballots identified by the Franken campaign, the Coleman State and the county and local election officials be sent to the Secretary of State's office to campaigns and the Secretary of State will review the materials and determine pursuant to which absentee ballots were indeed wrongly rejected. Those ballots will then be counted at its scheduled meeting." [Full letter available at <http://www.minnesotademocratexposed.com/ColemanSOSLetter12312008Letter.pdf>.

20. As usual, the pro-Franken Star Tribune screws things up. "The Coleman campaign's

irony that the campaigns have largely traded positions on counting additional votes. For v unofficial lead, it was the Franken campaign that daily decried the danger of disenfranchi Franken ahead, it is Coleman's troops who are mainly calling for more rejected ballots to aim is "bringing in ballots that were wrongly excluded," attorney Kneak said Wednesday. from the Franken campaign." In addition to the 1,346 absentee ballots already identified t rejected, the Coleman campaign in recent days has asked counties to review another 66 that may be legitimate. Some counties have agreed to the request, while others have not. also have sought to have a smaller number of absentee ballots added to the list, even th they were satisfied with the local officials' list. Kneak said in a statement that the Coleman prompted by concerns that a county-by-county review of the wrongly rejected ballots was "a subtle form of political guerrilla warfare." It was inconsistent to review only those abeer rejected by local officials, Kneak said, and leave out, in some but not all cases, other balk campaigns." http://www.startribune.com/templates/Print_This_Story?sid=36953744

21. Franken and thus the *Star Tribune* has claimed that Coleman is being inconsistent. In consistent. Franken is continuing to look to disenfranchise Minnesotians who did not vote continuing to try to follow the rules so all legal votes are counted. Coleman's position is a Minnesota Supreme Court and the Canvassing Board. Originally Coleman statements wer Attorney General's position following the law and having allegedly wrongly rejected abee court during the contest phase. Now that the law is not be followed or has been changed, trying to ensure that ALL wrongly rejected ballots are counted now. Thus Coleman has al legal votes while Franken has always been for counting only his votes.

22. Predictably the Ritchie led Secretary of State's Office Board took the Franken campel disenfranchised hundreds of voters from other non-pro Franken parts of the state. "The te order from the state Supreme Court, which gave the state until today to finish the count as until Tuesday to certify the results. Under the order, both campaigns, as well as local offic which ballots the state counted. Last week, the Coleman campaign said it wanted more a than counties or the Franken campaign had allowed. It asked the court to revise its order either campaign believed were wrongfully rejected would be sent to the state, rather than had agreed to. There would be 2,070 ballots in that pile. On Friday, the court ordered the officials and the other parties to provide it more information about how the ballots were se process stopped." http://www.twincities.com/ci_11364794. Registration may be required.

23. How a Court could easily reverse the canvassing board's pro-Franken decisions. "He 110 net votes if the court were to take Coleman's side on the duplicate ballot issue. Coler make an issue of the loss of 133 ballots in Minneapolis, which the Canvassing Board resk night count for that precinct. If Coleman were to prevail on that, Franken would lose 46 vc <http://online.wj.com/article/SB123102477166351591.html>

24. Some details of a potential election contest: "The standards for accepting or rejecting for either candidate in a lawsuit, and Foley predicted that a lawsuit could also make use c received little or no attention. . . . Any lawsuit would go to a three-judge panel to be appoi Chief Justice Eric Magnuson. What's not clear is whether Magnuson would make the app delegate the decision since he served on the Canvassing Board. When the 1962 Minneec recount and then a lawsuit, the chief justice at the time ordered the two campaigns to mul the three-judge panel. State law requires that a trial start within 20 days of a lawsuit being would fall on the candidate who filed the challenge, who would have to provide evidence i declared the wrong guy the winner of the recount. Lawyers for the other candidate would refute claims brought by their adversaries. It's difficult to predict what twists and turns the really kind of goes back to zero," said Brian Rice, a Minneapolis attorney who's worked o in local Minnesota races. . . . But the 1962 recount gives a hint that it won't happen too q. judge panel didn't declare a winner until March 21, 1963. Even that wouldn't necessarily e a lawsuit could appeal to the state Supreme Court, and legal concepts such as equal prot campaigns could provide footing for federal appeals." <http://online.wj.com/article/SB1231>

25. Why the rush to seat Franken? Do you think Democrats are worried about an Elector expose Ritchie's disenfranchisement of Coleman voters and allowing Franken votes to cc Senate Campaign Committee Chair and Incoming Senate Rules Chair Charles Schumer. "With the Minnesota recount complete, it is now clear that Al Franken won the election ... possible legal issues that will run their course, there is no longer any doubt who will be th Minnesota," Schumer said. "With the Senate set to begin meeting on Tuesday to address the nation, it is crucial that Minnesota's seat not remain empty, and I hope this process wi possible." <http://www.google.com/hostednews/ap/article/ALcmM5gMpTmr89V5hKllyHT4e>

26. Schumer should recuse himself from any Senate Rules Committee hearings on the re chairman of the National Republican Senatorial Committee, called Schumer's comments since Schumer is the new chairman of the Senate Rules Committee, which has jurisdiction. "Senator Schumer will likely play a key role in determining who ultimately assumes this S- "Pre-judging the outcome while litigation is still pending calls into question his ability to im matter when it comes before the Committee, as it most certainly will." [<http://www.google.com/hostednews/ap/article/ALeqM5gMpTmr86V5hKJlytJT4Av4j>]

27. A leading Minnesota based Republican blogger explains why Coleman must challenge this post from the premise that U.S. Senator Norm Coleman was re-elected by the voters 4th, 2008. Along with numerous Minnesotans, I absolutely believe the Coleman received election day and that Coleman should be getting to work today on the start of his second due to reasons listed below, Minnesota won't have two U.S. Senators at the start of the 1 decisions of the State Canvassing Board have been inconsistent and the entire recount p good of Minnesota, Coleman should formally contest the recount process in court. Here s discovered" ballots from Maplewood that were found weeks after the election. . . . #2 "Mis tallied on election night that could not be found during the recount process. . . . #3 "Double duplicate ballots of the same voter. . . . #4 "Wrongly rejected" absentee ballots. Team Fra State Mark Ritchie's office came up with a list of about 1,350 potentially wrongly rejected bottom line is that the recount has shown how flawed the election process is in Minnesota; recount process will provide further important analysis on how we can strengthen the inte Franken is filled with east-coast transplants and Washington D.C. staffers who parachute Franken's campaign. I don't believe they have any credible connection to Minnesota and themselves with Minnesota voters being disenfranchised. They will trample the rights of v get Franken seated in the U.S. Senate. As a proud Minnesotan concerned about election that Senator Coleman challenge the recount in court." [For the complete post go to: <http://www.minnesotademocratsExposed.com/2009/01/05/for-the-sake-of-minnesota-sen challenge-the-recount-in-court/>]

28. The Wall Street Journal also has a great editorial, a brief excerpt: "Strange things kee where the disputed recount in the Senate race between Norm Coleman and Al Franken n outcome. Thanks to the machinations of Democratic Secretary of State Mark Ritchie and Board, Mr. Franken may emerge as an illegitimate victor. Mr. Franken started the recount Coleman, but he now claims a 225-vote lead and suddenly the man who was insisting on to shut the process down. He's getting help from Mr. Ritchie and his four fellow Canvassers delivered inconsistent rulings and are ignoring glaring problems with the tallies. . . . The q certify a fair and accurate election result given these multiple recount problems. Yet that i members seem prepared to do when they meet today. Some members seem to have cor the candidates will challenge the result in any event, why not get on with it and leave it to certainly have grounds to contest the result in court, but he'll be at a disadvantage given t understandably reluctant to overrule a certified outcome. . . . Minnesotans like to think the Jersey or Louisiana, and typically it isn't. But we can't recall a similar recount involving op has changed so many votes, and in which nearly every crucial decision worked to the ad candidate. The Coleman campaign clearly misjudged the politics here, and the apparent i Mr. Ritchie to help his preferred candidate, Mr. Franken. If the Canvassing Board certifies based on the current count, it will be anointing a tainted and undeserving Senator. <http://online.wsj.com/article/SB123111967642652909.html?printMode>

29. Even the leading paper in Minnesota, the Pro-Franken *Star Tribune* agrees this race i "Coleman is justified in going to court. . . . [A]s several of the judges who sit on the board proceedings, there's only so much that an administrative, vote-counting body can do. The the authority to order county election officials to act. It could not conduct evidentiary hear findings of fact. Courts alone have the legal standing to do those things. That makes the j pass judgment on which remaining rejected absentee ballots should be counted. The cou whether some ballots were double-counted, as the Coleman campaign claims. They can the 133 [allegedly] missing ballots in Minneapolis should be counted. Both Franken and C ordered answers to questions that the Canvassing Board could not answer. The winner o legitimacy that would come with a court's politically independent finding that he got more loser deserves to know that every legal ballot was counted and that he came up short." http://www.startribune.com/templates/Print_This_Story?aid=37117484

30. A local Minnesota writer brings up the ACORN angle: "The corruption we just witness corruption of privilege and responsibility. Secretaries of state, like Ritchie, have become p By encouraging more voting and making it sound virtuous and noble to do so, the Assoc Organizations for Reform Now, for example, brought into the fold more and more uninitiated cheapening the votes of the legitimate lot of us who vote correctly and responsibly."

http://www.twincities.com/ci_11389081?ADID=Search-www.twincities.com-www.twincities.com

31. Senator Reid's extreme partisanship is showing in that he is determined that Coleman the process is finished. He is even more partisan than the number two Democrat in the S. Coleman will never ever serve [again] in the Senate"

• In announcing a new agreement with Burris, Reid said an election certificate is a "vital" that has never been waived in modern history. But scrambling to control the damage from leaders also cast some confusion on where they stand on the Minnesota recount. Asked if the same standard would be applied to Franken, as well, Reid initially equivocated, saying states of Minnesota are two different animals." . . . Jim Manley, a spokesman for Reid, told Canvassing Board certified the recount results that there would likely be an attempt to see Wednesday he backed off that assertion, saying Democratic leaders are "still assessing it" http://www.startribune.com/templates/Print_This_Story?aid=37213339

• But Reid's second-in-command, Assistant Senate Majority Leader Dick Durbin of Illinois Asked if Franken would need an election certificate to be seated in the Senate, Durbin as a governor and secretary of state certify his credentials." Earlier, discussing the Burris deal, Durbin said, "It's a rule in the United States Senate since 1884. . . . We have never, ever waived the rule." . . . So it's an important rule, and one not easily challenged or waived." http://www.startribune.com/templates/Print_This_Story?aid=37213339

32. "It was not so much a recount as a one-sided do-over. But since it took place behind closed doors, the standard Democratic cry of "let every vote count," nobody got upset over," those were also Mr. Reid's precise words recently on the possibility of Mr. Coleman majority leader has been temporarily thwarted in his Franken ambitions, which means he's dangerous. Be prepared for Democrats to spend the next weeks laying the groundwork to challenge, no matter what the results. After all, none of this is about the law. It's all about <http://online.wsj.com/article/SB123146235159386501.html#printMode>

33. What is the Difference between Burris and Franken to Reid? According to Kim Straess "Put another way, Democrats were only too happy to install an unpleasant "comedian" by turning away a law-abiding Illinois official with a legal appointment. Scandal aside, Mr. Reid's political numbers. Confident he'd get some Democratic senator out of Illinois, he didn't mind He's far less sure about Minnesota, and in a rush to legitimize Mr. Franken. <http://online.wsj.com/article/SB123146235159386501.html#printMode>

34. Senate Majority Leader Harry Reid is determined to stop Coleman from not only punishing the people of Minnesota. This is the latest outrage from Reid regarding Senator Coleman. In an interview Friday, Coleman said Reid had initially agreed to let his staff take 60 days from work on Saturday, to wrap up 400 open cases. . . . "There are people - this is real-life stuff - who Coleman said of the open cases. "They're being hurt by Harry Reid." . . . According to Coleman, the staff members work under the direction of the secretary of the Senate, but backed out staff would not have been under Coleman's direction, the former senator stressed. Reid sent an e-mail that there couldn't have been such a deal in place, "as the Senate cannot allow them they are not under the supervision of a senator, and Norm Coleman is no longer a senator," Manley said, "We are working hard to reach an acceptable solution." (See "Coleman deal but majority leader denies making act to let office finish constituent projects," *St. Paul Pioneer-Press*, 2009.) Let it be said that all Capitol Hill veterans know that in such situation the office is in the hands of the Sergeant at Arms.

35. Now Franken has decided to ignore the will of the people of Minnesota and their laws as Senator. An attempt so brazen that even Mark Ritchie is refusing. "Democrat Al Franken Monday when he asked Minnesota's governor and secretary of state to issue an election certificate to take office in the Senate. In letters the campaign sent to Republican Gov. Tim Pawlenty and State Mark Ritchie, Franken's lawyers argued that a seven-day waiting period for issuing election has passed and he should get the signed certificate. . . . Minnesota law prevents election certificate until legal matters are resolved. . . . "Minnesota law is very clear on who can be issued. Neither the governor nor I may sign a certificate of election in the U.S. Ser contacts have reached a final determination," Ritchie's statement read." http://www.huffingtonpost.com/2009/01/12/franken-campaign-asks-for_n_157155.html?v

• Coleman campaign manager Cullen Sheehan responded: "Al Franken knows he can't win based on the major inconsistencies and discrepancies that were part of the recount, and today is evidence of that. He can't and won't be seated in a seat he didn't win, so he is trying to delay the process."

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to blatantly ignore the will of Minnesotans and the laws of the state. The totals certified by include double counted votes, inconsistencies regarding rejected absentee ballots, and in discovered and missing ballots. These are serious issues that both the canvassing board Court directed be handled in an election contest, and that will go forward as required."

• Senator Conyn also had a very strong response to the Reid-Franken effort to ignore it by Senate Majority Leader Harry Reid (D-Nev.) regarding the Minnesota Senate seat still from being realized and threaten the very trust and confidence of the American people. R Coleman will never ever serve [again] in the Senate. He lost the election. He can still thir the Senate." This astounding, power-grabbing statement by an individual who will set the Senate is completely antithetical to the way our government operates. . . . No one, not ev will and who won't serve in the Senate or at any other level of elected government. Clear esteemed leader want as many seats in their favor as possible to allow them to promote agenda, but with this statement, the Majority Leader has stepped over a very dangerous l and others who are suggesting a usurping of the fundamental, constitutional rights of Min back and respect the will of Minnesotans and the rights of every citizen in this country. If the power to handpick the members of our governing bodies over those rightfully elected very serious risk of losing the fundamental elements of our democracy as set forth by the are still basic to our governing system today."

36. Franken and his allies at the Democrat Farmer Labor Party in their continuing effort to upcoming election contest may have even filed an FEC complaint against the RNLA. See

37. "In an unusual move, Kyl went to the Senate floor this morning to lay out all the reason election remains unresolved, and he listed Sen. Norm Coleman's arguments before the IV election lawsuit contends there are newly discovered ballots, missing ballots, wrongly rejected double counting of votes. "Clearly there's something wrong here and it has to be resolved are no stipulations for when proceedings must be completed. Estimations are that it could <http://www.politico.com/news/stories/0109/17384.html>

38. Franken continues to try to make up the rules as he goes along. It is unlikely that the this as the Minnesota Canvassing Board did. "On Monday, Franken argued that a Coleman limited to the awarding of already certified ballots and a mathematical recount for accurate Supreme Court earlier appeared to envision that a court could conduct a broader review wanted local and state elections officials to review his claims that some voters were court ballots were wrongly rejected, Franken argued those issues were better left for a court court sort of allegation that is left for consideration in an election contest, where evidence may witnesses may be heard (and cross examined) and fact-finding may occur," the Franken memo last month that argued against the state Canvassing Board considering claims of added, <http://www.startribune.com/politics/national/senate/37623294.html?si=KArkaLckD8EODUJoaEYqvP4Q:DW3ckUID3aPc; Yyc:aUUT>.

39. Franken is desperate to stop a full review of the election in a court run election contest a proper election contest would change the recount result. "The two-pronged strategy see Senate to seat Franken provisionally while limiting Coleman to a narrow court challenge, sweeping review he seeks of absentee ballots, claims of double-counting and other irregular <http://www.startribune.com/politics/national/senate/37623294.html?si=KArkaLckD8EODUJoaEYqvP4Q:DW3ckUID3aPc; Yyc:aUUT>.

40. RNLA's efforts to keep pressure on the Senate to follow Minnesota law and to not see contests are complete are made more important in light of Franken's continuing efforts to is complete: "The Senate, Franken's argument goes, is the judge of its membership, so IV getting the certificate." (See "Franken asks court to clear way into senate", *St. Paul Pioneer*

41. A noted Minnesota legal scholar declares the Minnesota recount was "unconstitutional Wall Street Journal on 1/16/09, former Associate Dean and current U. Minn. Law School Paulsen writes "But as matters stand now, the Minnesota recount is a legal train wreck. T lead, is plainly invalid. Just as in Bush v. Gore, the recount has involved "unequal electoral respect" and failed to provide "minimal procedural safeguards" of equal treatment of all matter which candidate benefited from all these differences in treatment. (Mr. Franken dk makes the results not only unreliable (and suspicious), but unconstitutional." <http://online.wsj.com/article/SB123197800446483619.html>

42. Franken continues to go out on uncharted legal waters, arguing to the 3 judge panel t

the US Constitution prevent Coleman from the right to a full contest of the election and re the Star Tribune, "Some legal observers are skeptical about Franken's chances of prevail they say state law appears to allow a vigorous challenge of the Canvassing Board results the panel will take its direction from the Minnesota Supreme Court, which gave Coleman those claims to court after the recount." Franken filed a separate brief Tuesday arguing th Court should order the Governor and the Secretary of State to certify him as the winner. "The Coleman campaign and some nonpartisan legal experts say state law prevents the state from issuing an election certificate if a lawsuit is filed within seven days of when the election results; Coleman sued a day after the board action."

[http://www.startribune.com/politics/national/senate/37910114.html?](http://www.startribune.com/politics/national/senate/37910114.html?c=1&cr=KArks8c7PaP3E77K_3c:D3aDhUxWoW_oD:EaDUlacyKUncleac8O7EyU)

[a=KArks8c7PaP3E77K_3c:D3aDhUxWoW_oD:EaDUlacyKUncleac8O7EyU](http://www.startribune.com/politics/national/senate/37910114.html?c=1&cr=KArks8c7PaP3E77K_3c:D3aDhUxWoW_oD:EaDUlacyKUncleac8O7EyU)

43. Coleman stated: "I certainly wish that I was ahead in votes rather than behind right now we'll be where we were on Election Night. That I will be ahead. . . . Nobody's vote should vote that should be counted hopefully will get a chance to be counted in this process. I'm served by that. You can't hold office if people think that somebody else's vote was double considered." <http://katp.com/article/stories/S764490.shtml?cat=89>

44. The extreme partisanship of Secretary of State Ritchie and Franken strategy to disenfranchise those from Republican areas) while allowing virtually identical ballots from Democrat areas fruit. Although Minnesota law and Ritchie's own office handbook is clear that rejected absentee ballots reviewed and possibly counted during an Election Contest, by counting those that Franken requested, Ritchie may have delivered the election for Franken as they to do their job. "The judges denied Coleman's bid to conduct an expansive new inspection for evidence that many were improperly counted or wrongly rejected during the recount. . . . Friday that those ballots resembled 933 others that were eventually accepted by the Canvassing Board. Unlike Franken or Ritchie, will continue to fight so that Minnesotans are not wrongly disenfranchised. The Coleman campaign filed a class-action lawsuit in behalf of the roughly 11,000 absentee ballots rejected, arguing that their votes should be given the same consideration as the 933 approved ballots." <http://www.startribune.com/politics/national/senate/38235094.html?page=1&c=y>

45. Reid's blatant attempt to "appoint" Franken "senator by his party's leadership rather than by the voters has drawn the ire of the Moorhead, MN Forum editorial board. Says the editorial board, "Minnesota election law to run its course before he assumes a seat in the U.S. Senate is to be seated before state courts finish their work is unseemly at best, arrogant at worst." <http://www.inforum.com/forums/article/id/228782/group/home/>

46. RNL today sent a letter to Senate Majority Leader Reid and Senate Republican Leader Franken that Franken not be seated and Minnesota law be followed. This is in response to Harry Reid's letter. <http://www.rnl.org/ReidLetter.pdf>

47. Senate Republicans remain firm in opposition to efforts to seat Senator Reid's efforts to seat Franken before the Minnesota Senate process is complete and wrote a letter to Senate Majority Leader Reid to that effect. "The historically close election between Senator Norm Coleman and Al Franken has produced a situation where the initial tally was won by Senator Coleman and during the course of the recount, seven thousand absentee ballots that the state canvassing board was unable to address. As the Minneapolis Star-Tribune legal standing" to provide answers the Canvassing Board "lacked the authority" to answer the state cannot certify a winner until the contest is resolved in court. . . . "It is with all this in mind that we urge you to reconsider recent statements indicating your support of the Senate to seat Mr. Franken before Minnesotans are able to certify the election. The entire Senate Republican Conference stands firmly behind Senator Coleman and all working to provide the trust and confidence in this election that all voters deserve." [For full text of the letter, click here.](#)

48. There's little question that some valid votes are still uncounted. Republican Norm Friedman, asked Minnesota Deputy Secretary of State Jim Gelbmann this:

"Based on the order of the Supreme Court, based on the closeness of the race, based on desires and motives, people whose votes should be counted, in your expert opinion and I have been disenfranchised, correct?"

"That is absolutely correct," Gelbmann replied.

[For complete story click here.](#)

49. Moreover, another Democrat Minnesota elections expert, and Ramsey County clerk admits that local elections officials mistakenly and "wrongly excluded" numerous of errors and varying standards at local levels. . . . Meneky admits "I can't tell you how many errors, but that he believes 62 rejected absentee ballots that were not tallied by the have been counted" in Ramsey County alone. [For complete story click here.](#)

50. Meanwhile, Franken is showing he's still talking out of both sides of his mouth ("even flawed" absentee voters when he was behind, yet now trying to narrow the number reviewed. While trying to portray Coleman as trying to have it both ways, Franken's During the recount Franken's lawyers argued that "Even where a ballot does not meet all mere technicalities or irregularities can not be used to exclude absentee ballots." Now Franken resisting Coleman's efforts to review all rejected absentee ballots statewide. [For complete](#)

51. Meanwhile, Franken is showing he's still talking out of both sides of his mouth (voters. Two groups of voters are trying to intervene in the case to get their votes counted. Franken supports letting in and having them count, including several that were rejected by recount. The second group, however, Franken doesn't think should be let in, claiming the to intervene during what was still the first week of the case. [For complete story click here.](#)

52. Coleman lawyer Ben Ginsberg said "We're thrilled" in response to the court's order wrongly rejected ballots will be reviewed. These ballots were previously identified by having complied with Minnesota law, or where errors had occurred through no fault of the rejected. [For complete story click here.](#)

53. Franken's efforts, backed by Secretary of State Ritchie during the recount phase, to limit absentee ballots to just the locations that Franken wanted (which also happen to be the rejected by the judicial panel reviewing the case which seems to be adopting Coleman's) to make sure that every legally cast and wrongfully rejected ballot is opened and counted today. The judge's statement was the first time anyone in the panel confirmed that indeed ballots included." [For complete story click here.](#)

54. Franken's frantic efforts to get election certification in advance of the decision of get his friend Harry Reid to seat him in the US Senate have now officially become a thorn unsuccessful with his attempt to directly bully the Governor and his fellow DFLer Secretary election certification in violation of state law, Franken is in court 2/5/09 asking the Minnesota the Governor and Secretary of State to sign an election certification, the day after getting to introduce a bill to mandate provisional election certification, retroactively, for the contested election. Clearly, Franken is worried that the Contest Court will correct the In Canvassing Board and seat Senator Coleman, and so he is trying every angle he can do in advance of the Contest Court's correction of the recount errors. [More here.](#)

55. RMLA releases a White Paper on Franken's latest efforts to be seated entitled: [Al Franken as U.S. Senator for Minnesota — No Laughing Matter.](#)

56. On February 5, a hostile, Minnesota Supreme Court, sternly question Franken's lawyer's effort to be seated despite clear Minnesota law.

- Franken's lawyer was forced to back off one of his goals, which may have been to use Senate to blow up the "recount trial" or election contest ongoing right now. "Justice Paul A whether he would be back in court to argue that the recount trial was no longer legitimate certificate was issued. Elias didn't answer the question directly until pressed by An wouldn't make that argument."
- Another goal was more obvious in Elias statements. If Franken is seated and Senator winner by Minnesota of the contest, the Democrat controlled Senate could launch a long pretense to delay or stop the seating of Senator Coleman. "Asked whether it's true that the wanted regardless of what Minnesota does, Elias agreed. 'They can declare me the next Minnesota,' he said."
- Seemingly only Franken and his allies such as Senate Majority Leader Reid who are in Contest support Franken in his efforts to be seated now, including most Minnesota Democrats. Gilbert, representing Pawlenty and Ritchie, said the state's interest is in getting the elector installing someone quickly in Congress. The statute 'could not be more clear,' Gilbert said provisional certificate. That provides for no certificate.' Elias was 'creatively interpret[ing]' whole story go [here.](#)

57. Franken has clearly been coached on how to act while waiting for results of a recount. Franken, who was out of Minnesota for a month, including a two week vacation in Florida kept out of the way of reporters until recently. Go [here for more details](#).

58. Franken is also trying to fit in with the new Democrats. Like Obama nominees, Tom Nancy Killefer and others, Franken also has a record of significant tax problems. G

59. Coleman, meanwhile, continues his quest to count every vote. Late last week Co Friedberg attempted to enter a single ballot, even though it was for Franken, where the vt affidavit saying the vote was indeed his." Go [here for the complete story](#).

60. Valid votes continue to surface. The Anoka county Elections Manager announced I county has found about a dozen ballots that should be included in the total, including that had not been included in the count in error. As Senator Coleman notes, "there is n number is an artificial number."

61. RNLA's efforts meet success! In a victory of significant proportions for Senator C respect the rule of law, Democratic Majority Leader Harry Reid bows to public pressure Franken prematurely. . . [but] would wait until a Minnesota court case is concluded bef Franken provisionally" according to Politico.com's Scorecard.

62. And in further stark contrast to his stance during the recount, the "Franken 'disenfranchises' turn down ballots similar to many other rejected ballots that were eventually tallied to a press report that notes Franken does not think absentee ballots should "be counted i identified by the judges." In briefs filed yesterday that will be argued today in the Contest clear that he thinks almost none of the wrongly rejected absentee ballots, even those sim be added by the court for 23 of Franken's voters in the court challenge Franken underwrc story goes on to say "Franken didn't give an unqualified "yes" to any of the questions.... into the court case. Franken's team argued to have certain rejected absentee ballots ope some that fell into the specific categories his team said Wednesday shouldn't be counted, Democratic mantra of "count every vote?" The hypocrisy is deafening – what they really n we think will be ours."

63. RNLA's Second White Paper is released: Proposing a Meaningful Solution to Protect Overseas Voters."

64. Urgent Press Release on Court Decision to Disenfranchise selected military and over

65. Coleman Lawyer Ben Ginsberg said that the rejected categories that will hurt Coleman obstruction" ballots, of which he said they had 175, and the late military ballots, which nur But there are big categories of rejected absentee ballots still in the picture, he said: those signatures, rejected ballots that are marked as accepted, registered witnesses thought to In the end, he predicted, the court will count between 2,000 and 2,500 rejected absentee

66. The problem, as laid out by his lawyers: Great chunks of uncounted absentee ballots judges because they fall into specific "categories" that make the ballots illegal, such as be applications. But, Coleman's legal team argues, hundreds of already counted ballots also illegal categories. . . . While the Coleman legal team is protesting the decision, they are a

67. Coleman for Senate legal counsel Ben Ginsberg today made the following statement. file a motion to reconsider, the court creates a real problem for itself and the reliability of t In its Friday the 13th order ruled illegal under Minnesota law categories of ballots which r counted ballots now being called "illegal" by the judges. The order means the judges h they themselves allowed in just three days earlier among the Nauen intervenors. / some 100 illegal ballots are included in the 833 ballots counted by the Canvassing Board counties election night totals. The net effect of this ruling is that the court has declar illegal – but by virtue of its unwillingness to reconsider its motion, intends to allow included in the count.

68. Meanwhile, in Thursday's proceedings, Coleman lawyer Joe Friedberg focused much witnesses who might not be registered voters and on missing registration cards. He elicited officials in Eden Prairie and Minnetonka who said they don't check to see if witnesses are that ... because we have never been instructed to do that by the state or the county," said

Kathleen Porta. That contrasted with Carver County, which checks addresses and voter witnesses are registered. In November, Carver accounted for about half of the absentee lack of a registered witness. County elections supervisor Kandra Olson testified earlier the state law required county officials to check on whether witnesses were registered. Ginsberg percent rejection rate were applied to Minneapolis and Ramsey and St. Louis courts that went heavily for Franken — it would amount to 1,841 illegal votes.

69. In a Sunday column, professor at St. Thomas, and former associate dean of the Univ School, Michael Stokes Paulsen, wrote that the recount and contest "isn't just embarrassing unconstitutional. . . . Minnesota is Bush v. Gore reloaded." He adds "what if there is a recount who won, consistent with Bush v. Gore's requirements? The Constitution's answer

70. The Pioneer Press Sunday editorial is entitled "Accidental Senator." In it, the editorial the Senate seat. The editorial notes at the "process has been 'transparent.'" It also has to be clearly, all the votes have not been handled in a uniform matter. . . . Meanwhile, the open Without a runoff we will have an accidental senator."

71. "Their motto is simple: If it's a vote for Franken, count it. If it's a vote for somebody else Coleman Spokesman Drake said. . . . The canvassing board adopted this approach, hope the Constitution and treat ALL voters equally. "The order said its ruling on the specific question shouldn't be taken as a ruling on the rest of Coleman's case or on his claim that all votes the same standard to comply with the Constitution's equal protection clause. In other words election law professor Edward Foley, "equal protection is still alive." Full story here.

72. Wednesday ended with a display of more than 300 counted absentee ballots "even though invalid." These ballots were "but the tip of an iceberg of what exists here in the state in the current court." according to the Coleman lawyer, Ben Ginsberg.

73. The absentee ballots displayed were marked as accepted but don't appear to match . . . [including] ballots without signatures, ballots without witnesses listed, and more. Curious appear to have been filled in by the same hand. One of those ballots is for a Duluth voter Dahlberg's husband, Christopher . . . when contacted, said he was surprised there was a wife's name and address on it. Why? . . . [h]is wife has been in China since June 13, before absentee voting began. Furthermore, Christopher Dahlberg . . . said his wife should know ballot. Before leaving to attend school in China, she worked in the St. Louis County election very meticulous," Dahlberg said. "She also worked in the elections office. If anybody, she ballot)."

74. In a parallel development on illegal ballots being allowed this time by the contest of Franken, the lawyer representing several dozen Franken voters whose votes the contest counted, admitted that "several of their stories are more complicated and different from judges." That's a lawyer's way of admitting that perhaps they didn't tell the whole story in an affidavit saying she personally signed her ballot and ballot application. She now says her husband for her and when she signed her affidavit she mistakenly thought she was affirming that a voter registration card — not her ballot application. Two Dakota county voters previously completed their ballots — they now say they didn't properly sign their ballots. The judges' signatures are absolutely necessary. Another said he had filled out a voter registration as Olmsted County clerk. But he now said he believes his registration card is inside his ballot. shifting stories exemplify how, even with a lot of time, legal help and sworn statements of the 11,000 rejected absentee ballots are valid and which are not."

75. Thursday the headline in the Star Tribune is spot on: Ballot ruling buys Coleman. T down. In the first, the "Judges ordered inspection of 1,500 envelopes for rejected absentee lead to counting more votes, something Coleman needs, if local officials discover voter registration secrecy envelopes of voters whose ballots were rejected for lack of registration."

The second ruling reversed an earlier court decision and will allow testimony from a Coleman Republican table judge on Election Day, told . . . in court Wednesday that she heard another ballots had been fed into the vote tabulator without being labeled. By the time the mistake were already lost among the other votes, she said. The Coleman campaign has contended resulted in both originals and unlabeled duplicates being tallied during the recount."

76. The Franken legal team has some problem getting absentee ballots straight. . . . [C] three ballot envelopes Franken included on his list of votes that should be counted. Each

voters who the Coleman campaign says were, in fact, dead on Election Day. Minnesota alive on the day of the election to have their votes counted."

77. Norm Coleman ~~rested his case "sort of" late Monday.~~ Coleman attorney Jim Langdon rest provisionally. The Coleman camp wants to give the court more information before re Coleman's team has made two separate arguments:

- The actual vote count was wrong, because some valid votes haven't been counted, so in the recount and some ballots were missing in the recount, and the Election Day tally is
- Any vote count will be wrong, because the state's election system is flawed. The flaw the secretary of state's voter registration database, counties' inconsistent standards for or local officials' counting of absentee ballots that didn't fill all the legal requirements.

In assessing Coleman's case, liberal election law professor Guy-Uriel Charles said that C about whether 'the margin of error is greater than the margin of victory.'

78. Also Monday, the judges reversed themselves on "three absentee ballots . . . counts; [saying these votes] should be rejected because the voters failed to sign documents or di moving. They were among 24 voters believed to be Franken supporters whose absentee approved.

79. State election director "Poser conceded that there were mistakes in a statewide data track voter registrations. Such a problem could have caused some absentee voters to h appeared they had registered and voted in person on Election Day. . . . Outside court, Gln testimony as a "blockbuster" admission that calls into question the entire database and th

80. In separate action on Monday, "Coleman lawyer Jim Langdon wrote the three-judge | are so serious they may not be able to declare a winner. 'Some courts have held that wh exceeds the margin between the candidates -- and it cannot be determined for which can were cast -- the most appropriate remedy is to set aside the election.' Langdon wrote in a

81. And columnist Michael Barrone writes that "My understanding is that the legal case c panel is hopelessly compromised. . . . This would seem to me to raise equal-treatment pr v. Gore , even if the Supreme Court tries to say that Bush v. Gore was a one-of-a-kind ca

82. Al Franken's side continues Coleman's theme that voters' absentee ballots wer Franken's legal team brought forward a parade of people who say their votes may have b U.S. Senate race. And, MN state election director, Gary Poser, admits the state database inaccurate voter information. Poser also admits there can be error by election officials, an different registration requirements. "Asked why two registered voters received materials f Poser said it could have been because the wrong name was looked up or a name was m data was wrong?" Friedberg said. 'It's certainly possible,' Poser said. . . . Poser also said voters who move from one apartment to another in the same building to re-register, while <http://www.startribune.com/politics/national/senate/40732432.html>. Despite this, Franken dismies Coleman's case, following standard legal trial tactics after the moving side re http://www.twincities.com/ci_11848278

- Revote favored by voters. A new Rasmussen poll "shows that 48 percent of likely vo in the race between Republican Norm Coleman and Democrat Al Franken." The partisan "Among self-identified Republicans, 71 percent support a do-over, while 69 percent of De http://www.twincities.com/ci_11848278?nclick_check=1

- And there was a little flutter over Reid's alleged renewed efforts to seat a Senator, | office "confirmed" he will not try to seat anyone until there is an election certificate issued. http://www.minnpost.com/erickheckblog/2009/03/05/7178/reid_wont_try_to_seat_franken

83. Franken's attempt to short-circuit the legal process to determine a winner has | unanimous MN Supreme Court. The Minnesota Supreme Court agreed with everyone, was crystal clear. " We conclude that neither state nor federal law requires issuance of a the election contest is completed." the Supreme Court wrote in a unanimous opinion . . .

Elias argued before the justices that Franken should be given the certificate immediately. solicitor general argued he shouldn't. They said the law was crystal clear."

Coleman spokesman Ben Ginsberg summed it up well: "This wise ruling will ensure t and Chuck Schumer cannot short-circuit Minnesota Law in their partisan power pla

84. Meanwhile, election officials again concede that the election had a number of fixed. "Joe Mansky, who oversees voting in Minnesota's second-largest county, said ele for a race this close."

85. In an "obviously an attack on my campaign" according to Senator Coleman, a desperation of opponents, Coleman's campaign website was hacked and credit car supporters was posted online, in an obvious effort to deter further donations to the ca keep up his legal fight. "The U.S. Secret Service is investigating how personal details on contributors to Norm Coleman, smashed in a court battle to win back his Senate seat, w and posted on the Internet."

86. The court case is about to move into Coleman's rebuttal phase. It is reported that "t three judges could be deliberating by next week. . . . Once the judges determine which ce votes, the loser has the right to appeal to higher courts or the U.S. Senate."

87 In lighter news, the Los Angeles Times notes that Franken is no longer funny, but although apparently in exchange, the only currently serving Senator from Minnesota, "Am task" of replacing Franken as a comedian.

88. Coleman's closing argument highlights the legal strategy and the equal protect Coleman legal team. "Over the course of the trial, Coleman's legal team didn't offer proof those ballots were registered, had properly filled out and signed absentee ballot applicatk Minnesota voters witness their ballots. . . . Friedberg said, because it shouldn't be needer noted that Carver County, which checked the witness registration on its ballots "found the absentee ballots it received were not witnessed by registered Minnesotans. Needing to ci 98 percent of the time is too great of a burden. . . . It's more likely than not. It's more than than clear and convincing. And, based on experience, it's also more than proof beyond a beyond a moral certainty." Friedberg went on to say that "most local elections officials did measures of proof when they were counting absentee ballots last year, and the judges' m due process and equal protection." Click here for more details.

89. For more detail on what problems the Coleman attorneys feel is relevant, a memo lay Gore problems with the counting of votes from the fall elections in a concise document.

90. Though the presentation of the case is over, don't expect a decision this week - as a decision is handed down. In addition to both sides' final filings next week, the three conl preliminary decisions to make to determine who received the highest number of legally ce decide they have to write their opinion, which because they expect it will be appealed the: And then, the loser has ten days to appeal to the Minnesota Supreme Court. No election before either the deadline passes for the appeal, or the Supreme Court rules. For more as

91. In related news, last fall, Bernard Madoff, the investor who defrauded people out of t scheme, donated \$100,000 to the Democratic Senatorial Campaign Committee. Ever guilty, when asked by Weekly Standard reporter John McCormack "If the DSCC would re spokesman Eric Schultz told me: "We haven't returned the money, and there are no inne declined further comment when asked if the DSCC, whose chairman is New Jersey senat concerned that the group had accepted \$100,000 in what is essentially stolen cash." As if Democrats Exposed asks "Did Madoff's millions fund anti-Coleman attack ads?"

92. And will we hear a similar story in 45 years about the Coleman-Franken recount and t come out about stolen votes from the 1982 Minnesota recount that was just revealed bec longer around to be able to prosecute.

93. On St. Patrick's Day the Coleman and Franken teams filed their closing filings with th upped the number of ballots they are asking the courts to consider in the final vote writes as follows: "In his filing Tuesday, Coleman said that 1,984 absentee ballots should list includes not only the 1,359 absentee ballots his lawyers ended their case last week as

413 that the campaigns blocked from counting during the recount and the 15 that local gc or found — two in a storage bin — well after the state's two-month recount. . . . The Frank bet. Its new list of ballots that should be considered includes 430 absentee votes. In his attorney Kevin Hamilton said the team had provided evidence that 252 ballots should be details here for more.

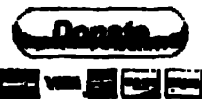
94. Top Republicans encouraging Coleman to press the fight. "As they look ahead at th seat for the Democrats vs. one more for the GOP — Republican senators are also looking history. — Bush vs. Gore and equal protection arguments."

95. Coleman's lawyer thinks victory will come on appeal. Joe Friedberg, Norm Coleman's recount trial against Al Franken, said the Coleman case was built on a constitutional argu the likes of the Minnesota Supreme Court.

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